

PASSAGE OF COLORADO HOUSE
JOINT RESOLUTION 99-1046

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 16, 1999

Mr. SCHAFFER. Mr. Speaker, the state of Colorado has requested Congress reform its "Superfund" law to address the needs of businesses. Our position on this important matter has been established by the Colorado General Assembly though the passage of Colorado House Joint Resolution 99-1046.

This measure was authored and sponsored by State Representative Jack Taylor and State Senator Dave Wattenberg. I hereby submit Colorado's Resolution for the RECORD and urge its consideration by my colleagues in formulating useful solutions to federal superfund laws.

COLORADO GENERAL ASSEMBLY
HOUSE JOINT RESOLUTION 99-1046

By Representatives Taylor, Alexander, Fairbank, Hefley, Hoppe, Johnson, Kaufman, Kester, King, Larson, McKay, Miller, Núñez, Paschall, Spradley, Stengel, Webster, Young; also Senators Wattenberg, Blickensderfer, Chlouber, Epps, Evans, Hillman, Owen, Powers.

CONCERNING A REQUEST FOR AMENDMENT OF THE FEDERAL "SUPERFUND" LAW TO ADDRESS THE NEEDS OF BUSINESSES.

Whereas, the General Assembly commends the intent underlying the federal Superfund law, namely, the desire to protect human health and the environment first while deferring until later the assessment of blame and the collection of costs from persons found to be liable; and

Whereas, The Superfund law generally serves this intent in cases where causation is clear; and

Whereas, The Superfund law has proven not to serve as well in other cases; and

Whereas, Specifically, the Superfund liability system leads to excessive litigation for businesses, uncertainties in responsibility that hamper access to capital, unwarranted delays in the resolution of liability, and lack of responsiveness to the particular needs of business enterprises; and

Whereas, Such problems are most vexing in the case of specialty oil change service stations, general automobile service stations, and other businesses that generate used oil in their daily activities and centrally collect and recycle used oil that would otherwise be disposed of by uncertain means and eventually become dispersed in the environment; and

Whereas, A businesses of this kind that contracts with an oil collection and recycling firm certified by the Environmental Protection Agency should be able to depend on such certification and continue to operate in good faith, without fear of future liability; and

Whereas, Nevertheless, the current Superfund law does not offer even this basic level of protection to a business that makes every effort to be environmentally responsible; and

Whereas, Businesses are committed to environmental protection, but have serious concerns with the current Superfund program; and

Whereas, Reforming the Superfund program to address the needs of businesses would contribute to their continued viability and to the economic health of the state as a whole; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-second General Assembly of

the State of Colorado, the Senate concurring herein:

That we, the members of the Colorado General Assembly, hereby request the Congress of the United States to make the following changes to the Superfund law:

1. Eliminate third-party litigation and instead adopt a streamlined expedited, and informal process to quickly allocate responsibility among all parties potentially liable for cleanup of a Superfund site.

2. For businesses that accept their responsibility as allocated under the streamlined process, or that did not have the legal right to control the site during periods when contamination occurred, provide immunity from further liability.

3. Include, as part of the streamlined process, a means for determining and declaring minimis liability for contamination at a site within 180 days. If the 180-day period is exceeded by more than 120 days, relieve business de minimis parties of all liability unless the delay is outside the control of the Environmental Protection Agency.

4. Make the ability to pay an explicit, required criterion for allocation of financial responsibility to a business, taking into account the business's overall financial condition and its ability to raise revenue.

Be it further resolved, That copies of this resolution be sent to each member of Colorado's Congressional delegation and to the administrator of the Environmental Protection Agency.

RUSSELL GEORGE,
*Speaker of the House
of Representatives.*

RAY POWERS,
President of the Senate.

JUDITH M. RODRIGUE,
*Chief Clerk of the
House of Representatives.*

PATRICIA K. DICKS,
Secretary of the Senate.

TERRI THOMSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 16, 1999

Mr. TOWNS. Mr. Speaker, I rise today to recognize the accomplishments of Terri Thomson. Presently, Ms. Thomson serves as Vice President-Director of New York City and State Government Relations for Citigroup, a position she has held since December 1996. Ms. Thomson began her career with the company in February 1990 serving as Director of Community and Government Relations in the communities of Queens, Brooklyn and Staten Island. Prior to her career at Citigroup, Terri served as District Administrator for Congressman GARY ACKERMAN (D-NY), advocating for the citizens of the 7th Congressional District for ten years.

Terri Thomson has taken a leading role in the community and has been a strong supporter of many community initiatives. Terri Thomson was appointed for a four-year term beginning July 1, 1998 as a member of the New York City Board of Education. As a Board Member, she serves as Chair of the Parent Involvement and the Capital Plan Committees. Ms. Thomson has advocated for parent involvement because of her commitment to improving the quality of education for our

youth. As Vice Chair of the Board of the Brooklyn Sports Foundation, Ms. Thomson assisted the organization in supporting the development of an amateur athletic facility in Coney Island to serve the children of New York City.

Our society has benefited from Ms. Thomson's active support of organizations that nurture cultural and academic enrichment. She has previously served as a board member for Queens Symphony Orchestra, Queens Library Foundation, Flushing Council on Culture and the Arts, and St. Francis College Board of Regents. People in this community can learn from the perseverance of Ms. Thomson. She has found the time and energy to participate in various activities. As a community leader, Ms. Thomson has recognized the importance of economic empowerment, and, for this reason, she became involved in organizations that work to improve economic conditions. She was a board member of Greater Jamaica Development Corporation; a Chairwoman of Queens County Overall Economic Development Corporation; and Treasurer of the Queens Chamber of Commerce.

I commend Ms. Thomson and pray that she will succeed in all future endeavors.

RECOGNIZING GARY COCOLA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 16, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Gary Cocola for his service to the Fresno community through his broadcast television stations.

While attending Memorial High School in Fresno, Cocola received inspiration to pursue a career in broadcasting. He was one of the local high school students chosen to participate in a television program called "Open House." He continued to participate in other activities on radio and television, including a Top 40 show with a dance party format that aired in Bakersfield.

Cocola enrolled at Fresno State to pursue a degree in radio and television. He added a minor in business in the event that his father may need him. His father, Morris Cocola, owned the family's tree fruit and grape growing, packing and shipping business. But Gary Cocola's passion was for the television business.

In 1962, Cocola found an agent in Los Angeles and considered entering the highly competitive Southern California media market. Cocola's agent dissuaded him from this, which caused Cocola to become discouraged. So, he entered his father's business and began a career in sales.

Cocola excelled at his business and by 1970 he formed the Cocola Fruit Corporation that allowed him to be a dealer and broker as well as a commercial merchant. Cocola was financially well off, but was not entirely happy with his job. His dream was to return to broadcasting.

With the help of his wife Diane Dostinch, he applied to put a local full power station on the air in 1977. After successfully completing the Federal Communications Commission's lengthy application process, the station was finally built in 1984. In 1985, his station, KMSG, began as a Christian station. He has visions to